

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRALD HANDY,)
Plaintiff,) Civil Action No. 2:12-cv-1091
v.) Magistrate Judge Cynthia Reed Eddy
UNIT MANAGER AMY VARNER, et al.,)
Defendants.)

MEMORANDUM AND ORDER

Presently before the Court is the Motion for Reconsideration (ECF No. 41) filed by Plaintiff, Derrald Handy. Plaintiff requests that the Court vacate its Memorandum Order entered April 12, 2013, in which the Court granted the Motion to Dismiss / Motion for Summary Judgment (ECF No. 17) filed by Defendant Doctor Mollura.

The Court after having thoroughly reviewed the Motion for Reconsideration and the Memorandum Opinion (ECF No. 38) and Memorandum Order (ECF No. 39) entered April 12, 2013, finds that Plaintiff has presented no extraordinary circumstances or arguments which meet the high standard required to justify reconsideration. Generally, a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available, has become available; or (3) necessary to correct a clear error of law or to prevent manifest injustice. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), cert. denied, 47 U.S. 1171 (1986). Plaintiff has pointed to no intervening change in controlling law, new evidence, a clear error of law, or manifest injustice. Motions for reconsideration are not designed to provide litigants with a second bite at the apple. *Bhatnagar*

v. Surrendra Overseas Ltd., 52 F.3d 1220, 1231 (3d Cir. 1995). Therefore, the Court finds that the arguments raised in the instant motion do not warrant further analytical discussion.

Fatal to the pending motion, nothing new has been supplemented to the record by the Motion for Reconsideration.

AND NOW, this 23rd day of May, 2013, it is hereby ORDERED that the MOTION FOR RECONSIDERATION filed by Plaintiff is hereby **DENIED**.

It is further **ORDERED** that the Text Order of May 9, 2013 requiring Defendants to file a response to the Motion for Reconsideration is hereby **VACATED**.

s/Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc: DERRALD HANDY
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